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# **Notice of Allowability**

Application No.

10/643,215

Examiner

KHAI TRAN

Applicant(s)

JONES ET AL.

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to The RCE filed 8/3/2007.
2. ☒ The allowed claim(s) is/are 1-14, 16-19 and 21-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **REASONS FOR ALLOWANCE**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/29/2007 has been entered.

### ***Terminal Disclaimer***

2. The terminal disclaimer filed on 7/30/2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. application No. 10/809,559 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Allowable Subject Matter***

3. Claims 1-14, 16-19, and 21-25 are allowed.

4. The following is an examiner's statement of reasons for allowance: none of the prior art of the record discloses or suggests that a client wireless module and an access point wireless module, comprising: wherein a transmit processing section to be used for processing the at least data to be transmitted is one of either the 802.11b or the OFDM processing sections, wherein the transmit processing section is defined at least in part upon one or more attributes of the client wireless module and one or more attributes of

the access point wireless module, wherein the one or more attributes of the access point wireless module include a sensitivity of a receiver of the access point wireless module, wherein the one or more attributes of the client wireless module include a sensitivity of a receiver of the client wireless module, wherein if the receiver of the access point wireless module has a higher sensitivity than the sensitivity of the receiver of the client wireless module, the OFDM processing section is selected as the transmit processing section and wherein if the receiver of the access point wireless module has a lower sensitivity than the sensitivity of the receiver of the client wireless module, the 802.11b processing section is selected as the transmit processing section; and furthermore, wherein a receive processing section to be used for processing the at least a representative of a receive signal is one of either the OFDM processing section or the 802.11b processing sections, wherein the receive processing section is defined at least in part upon one or more attributes of the client wireless module and one or more attributes of the access point wireless module, wherein the one or more attributes of the access point wireless module include a transmitter strength of a transmitter of the access point wireless module, wherein the one or more attributes of the client wireless module include a transmitter strength of a transmitter of the client wireless module, wherein if the transmitter strength of the transmitter of the access point wireless module has a higher transmitter strength than the strength of the transmitter of the client wireless module, the OFDM processing section is selected as the receive processing section, and wherein if the transmitter of the access point wireless module has a lower transmitter strength than the transmitter strength of the client wireless module, the

802.11b processing section is selected as the receive processing section, as recited in claims 1, 4, 7, 10, 13, 14, 19, 24.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAI TRAN whose telephone number is (571) 272-3019. The examiner can normally be reached on 7:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Payne can be reached on (571) 272-3024. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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KHAI TRAN  
Primary Examiner  
Art Unit 2611

*KT*  
November 2, 2007

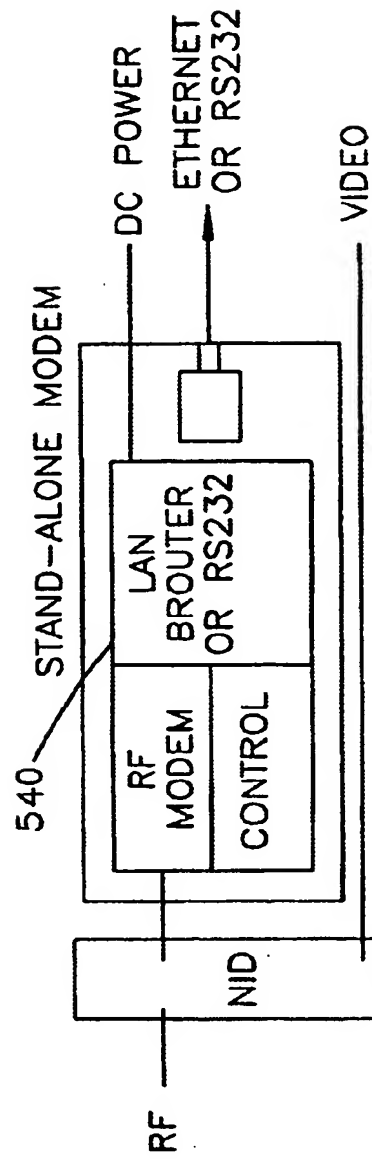
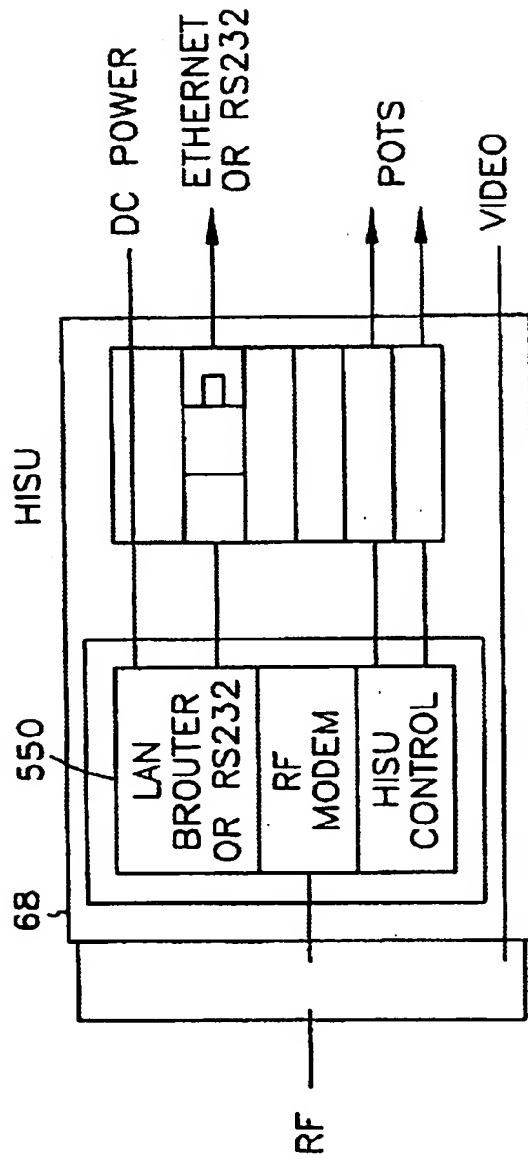


FIG. 98